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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GERALD P. McCANN et al.

Group Art Unit: 3744

Serial No. 10/735,006

Examiner: Ali, Mohammad M.

Filed: December 11, 2003

For: DRINK DISPENSING SYSTEM

DECLARATION OF GERALD P. McCANN

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, GERALD P. McCANN, hereby declare as follows:

1. I am one of the named inventors in the above-identified application and a principal in the assignee of the inventions contained therein, McCann's Engineering & Mfg. Co.

2. Through the assignee, I have been involved in beverage dispensing systems for over forty years.

3. This involvement included the development and manufacture of the first bar gun of which I am aware. This was developed because professional bar tenders did not want stationary fountains as they did not want to be "soda jerks". They also objected to requiring two hands to work the then available fountains and objected to the time required to complete the fill on a multi-drink order. This first bar gun was electrically actuated. Mechanical actuated bar guns ultimately took over this market with one current dominating manufacturer.

4. I have been principally involved in soft drink delivery systems using stationary fountains for over forty years as well. This involvement included the development and manufacture of the first electrically actuated stationary fountain of which I am aware. Such fountain systems typically differ greatly from bar gun systems in capacity, available cooling mechanisms, and constraints regarding size, convenience and cost.

5. A bar gun takes up no room on a bar top in that it is hung in a holster off of the bar. The bar gun is provided with a substantial range of motion to take a plurality of beverages to drinking glasses for making mixed drinks. The space allocated for supply, control, chilling, carbonation and delivery of carbonated water, non-carbonated water and syrups is highly constrained in a bar environment.

6. The differences in requirements, operation and look between bar guns and fountain dispensers are extreme. These differences are reflected in different names for beverage dispensing devices. A bar gun is held in the hand and transported about the bar station for filling drinks. The name "bar gun" is only used on such devices. To my knowledge, fixed nozzle fountain dispensers have never been referred to as bar guns in my forty plus years in the beverage dispensing industry. The identification of these different devices as well as the devices themselves are vastly different and thought of as such.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed this 12th day of July, 2005, at Los Angeles, California.


GERALD P. McCANN